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In the Circuit Court of the State of Oregon

For the County of Clackamas

DARALYN MICHEL, an individual,

Plaintiffs,

v.

FIRST STUDENT, INC. a foreign business
corporation and/or its unknown business entity

Defendants

Case No. 22CV02913

SUMMONS

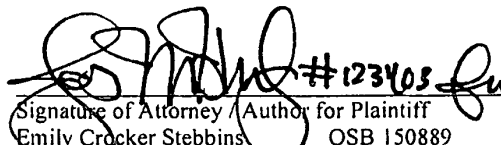
TO: **First Student, Inc.**
c/o CT Corporation System
780 Commercial Street SE, Ste 100
Salem, OR 97301

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.


 #123403
Signature of Attorney / Author for Plaintiff
Emily Crocker Stebbins OSB 150889
235 Front Street SE, Suite 200
Salem, OR 973021 503-363-3443

Trial Attorney if other than above

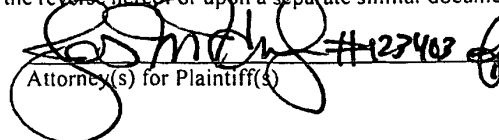
Bar No.

STATE OF OREGON:)
County of Marion) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

 #123403
ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

 #123403
Attorney(s) for Plaintiff(s)

THIS IS A CERTIFIED
TRUE COPY
[Signature]

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF CLACKAMAS

DARALYN MICHEL, an individual

Plaintiff,

v.

FIRST STUDENT, INC. a foreign business
corporation and/or its unknown business
entity

Defendant.

Case No. 22CV02913

COMPLAINT FOR PERSONAL
INJURIES AND REQUEST FOR JURY
TRIAL

Claim Is Not Subject to Mandatory
Arbitration

TOTAL PRAYER: \$201,000

Filing Fee \$594
pursuant to ORS 21.160(1)(c)

FOR PLAINTIFF'S CLAIM FOR RELIEF HEREIN, Plaintiff alleges as follows:

GENERAL ALLEGATIONS

1.

The amount presently in controversy exceeds the sum of \$50,000; and, therefore, the
present action is not subject to mandatory arbitration.

2.

At all times material herein, Caldwell Road and Oatfield Road were and are both duly
dedicated public highways or thoroughfares located in the county of Clackamas, State of Oregon.

1- COMPLAINT FOR PERSONAL INJURIES
AND REQUEST FOR JURY TRIAL

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3.

At all times material herein, Defendant FIRST STUDENT, INC. (hereinafter "First Student") and/or its unknown business entity, was and is a foreign corporation licensed to conduct business and which does conduct regular and sustained business activity in the county of Clackamas, state of Oregon.

4.

On February 27, 2020 at approximately 3:00 PM, Plaintiff was stopped at a posted stop sign on Caldwell Road at its intersection with Oatfield Road in Gladstone, Oregon. She remained stopped waiting to turn right onto Oatfield Road when a First Student Bus turned left from Oatfield onto Caldwell road. The bus turned too sharply and struck the driver's side of Ms. Michel's vehicle. The bus kept driving after the crash and never stopped to exchange information with Ms. Michel. Thus, the driver's identity remains unknown to Plaintiff.

5.

At the time and place of the collision, Defendant First Student was negligent in one or more of the following particulars:

- (a) In failing to maintain a proper lookout for other users of the roadway;
- (b) In failing to maintain control of the vehicle then operated by Defendant First Student as would a reasonably prudent driver under the same or similar circumstances;
- (c) In operating their motor vehicle at a speed which was greater than reasonable under the circumstances;
- (d) In failing to stop, swerve, or otherwise avoid colliding with the vehicle then occupied by Plaintiff;

2- COMPLAINT FOR PERSONAL INJURIES
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- 1 (e) In operating their vehicle in a manner that endangers or would be likely to endanger a
2 person or property;
3
4 (f) In proceeding through an intersection when it was unsafe to do so;
5
6 (g) In traveling on the wrong side of a roadway in violation of ORS 811.300;
7
8 (h) In failing to drive on the right side of a roadway in violation of ORS 811.295; and
9
10 (i) In crossing the center of the roadway in violation of ORS 811.310;
11
12 (j) Plaintiff was in the class protected by these statutes and suffered the harm they sought
13 to prevent.

14 6.

15 As a direct and proximate result of the negligence of Defendant First Student as
16 aforementioned, Plaintiff suffered physical pain, anguish and suffering, together with a
17 permanent tearing, twisting and wrenching of the muscles, tendons, ligaments, nerves, and other
18 supportive soft tissues of her neck and back causing radicular pain and numbness, and, in
19 particular, cervical, thoracic, and lumbar sprain/strain injuries. In addition, Plaintiff suffered:

- 20
- Extensive labral tear in all four quadrants of the left shoulder
 - Tear of the biceps tendon
 - Tear of the subscapular tear
 - Shoulder pain
 - Rib Pain
 - Cervical sprain/strain
 - Thoracic sprain/strain
 - Limited range of motion
 - Fatigue
 - Muscle spasms
 - Headaches
- 24

25 7.

26 Plaintiff's injuries are permanent and degenerative in nature and have increased her
27 susceptibility to future injury, degenerative arthritis, and degenerative disc disease. Furthermore,
28

3- COMPLAINT FOR PERSONAL INJURIES
AND REQUEST FOR JURY TRIAL

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1 Plaintiff has been caused an impairment to the enjoyment of her lifestyle; and this has caused
2 Plaintiff non-economic damages in an amount which a jury determines to be fair, but not to
3 exceed the sum of \$150,000; said amount to be made more definite and certain at time of trial.
4

5 8.

6 As a further direct and proximate result of this collision, Plaintiff was required to and did
7 employ the services of doctors, nurses, and hospital staff for medical examinations, treatment
8 and care of the previously described injuries. Furthermore, Plaintiff will require future medical
9 attention, care, treatment and expense. Plaintiff has thereby incurred economic damage in the
10 form of unreimbursed past medical expenses and future medical expenses in an amount which a
11 jury determines to be fair, but not to exceed the sum of \$51,000, said amount to be made more
12 definite and certain at time of trial.
13

14 9.

15 Plaintiff hereby requests a jury trial.
16

17
18 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

19 (a) For non-economic damages in an amount to be determined at time of trial, but
20 not to exceed the sum of \$150,000;

21 (b) For economic damages in the form of past and future medical expenses in an
22 amount to be determined at time of trial, but not to exceed the sum of
23 \$51,000; and
24

25 (c) For Plaintiff's costs and disbursements incurred herein.
26

27 ///
28

4- COMPLAINT FOR PERSONAL INJURIES
AND REQUEST FOR JURY TRIAL

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DATED this 22nd day of January, 2022

THE GATTI LAW FIRM

By: s/ Emily Crocker Stebbins
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Of Attorneys for Plaintiff

5- COMPLAINT FOR PERSONAL INJURIES
AND REQUEST FOR JURY TRIAL

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